

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON,
Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS, et al.,
Defendants.

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: **Civ. No. 16-1650**
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SCHEDULING ORDER

AND NOW, this 8th day of December, 2016, it is **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **February 21, 2017, at 9:30 a.m.** in Courtroom 6-B, United States District Court, 601 Market Street, Philadelphia, PA 19106.
2. A final pretrial conference is scheduled for **February 17, 2017, at 10:00 a.m.** in Room 6613, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each plaintiff and defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins.

3. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed on or before **December 29, 2016**. Responses shall be filed on or before **January 12, 2017**.

4. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant on or before **January 19, 2017**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts on or before **January 23, 2017**. Plaintiff is obligated to respond on or before **January 26, 2017**.
5. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of court.
6. Counsel for each Party shall serve upon counsel for the other Party on or before **January 26, 2017**:
 - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
 - b. identification of all witnesses expected to testify at trial;
 - c. curriculum vitae for each expert witness expected to testify; and
 - d. a specific identification of each discovery item expected to be offered into evidence.
7. Counsel shall also provide the Court with one copy of all of these items, in a tabbed, three-ring binder, complete with table of contents, on or before **January 26, 2017**.
8. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given on or before **January 26, 2017**.
9. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of court. Any Party who intends to use deposition testimony at trial must submit deposition designations to the Court by **January 19, 2017**. Counter-designations shall be submitted by **January 23, 2017**. Objections to the

designations shall be submitted on or before **January 26, 2017**.

10. Any other pretrial or trial matter requiring attention of the judge prior to trial shall be specifically addressed in the final pretrial conference.
11. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **January 30, 2017**.
12. All motions *in limine* shall be filed on or before **February 2, 2017**. Responses thereto are due on or before **February 9, 2017**.
13. On or before **February 2, 2017**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy in a tabbed, three-ring binder, complete with table of contents, and on flash drive to the Court.
14. On or before **February 9, 2017**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
 - a. Answer;
 - b. Complaint;
 - c. Plaintiff's Pretrial Memorandum;
 - d. Defendants' Pretrial Memorandum;
 - e. Stipulated Facts;
 - f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
 - g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
 - h. Jointly Proposed Jury Instructions (and any not agreed upon); and

i. Jointly Proposed Verdict Sheet.

15. The Parties shall also provide the Court with an electronic copy of the above documents in Word format on a flash drive.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

December 8, 2016

Paul S. Diamond, J.